

PROFESSIONAL STANDARDS

PROFESSIONAL BIAS-FREE TRAFFIC AND TERRY STOPS

Purpose: The purpose of this policy is to affirm the Department's commitment to unbiased policing, to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; to provide guidelines for officers, as well as protection from unwarranted accusations of misconduct when performing their duties within the dictates of the law and Departmental policy.

Policy Statement: Members of the North Little Rock Police Department will base pedestrian or motor vehicle stops, investigative detentions, searches and seizures, and arrests of persons upon the standards of reasonable suspicion and probable cause in compliance with the Fourth Amendment to the U. S. Constitution. All persons are free to walk and drive city streets and highways and other public places without law enforcement interference so long as they are law abiding in their actions and behaviors. All police services and actions will be applied equally under the law to all persons. Traffic stops and Terry stops are a vital police duty. In addition to deterring traffic violations, they provide police visibility which helps deter criminal activity. It is the policy of this Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to enforce traffic laws, while insisting that citizens will only be stopped or detained when reasonable suspicion or probable cause exists.

Prohibition Statement: Members of the North Little Rock Police Department are prohibited from utilizing race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system as the motivating factor in making law enforcement decisions. Members will not engage in racial profiling.

Summary of Changes: Requirement added in section 3.3.2 for the documentation of MVR reviews by supervisors.

Definitions:

Biased Policing: A law enforcement action based on an individual's race, age, color, creed, disability, gender, sexual orientation, religion or other belief system and/or any other individual attribute, ethnic status and characteristic, or national origin rather than on the individual's behavior or on information identifying a specific individual as having engaged in criminal activity.

Unbiased Policing: The practice of law enforcement officers relying solely on a **standard of reasonable suspicion or probable cause.**

Racial Profiling: The practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant.

Procedure:

1 General Conduct

- 1.1 Members will conduct themselves in a dignified and respectful manner when dealing with the public.
- 1.2 Officers will conduct their duties in a responsible and professional manner, without bias.
 - 1.2.1 Officers will base pedestrian or motor vehicle stops, investigative detentions, or arrests on a standard of reasonable suspicion or probable cause.
 - 1.2.2 Officers will consider the reported race or ethnicity of a specific suspect based on reliable, relevant information that connects a person of a specific race or ethnicity to a particular crime or unlawful incident.
 - 1.2.3 Officers will identify themselves by rank, name, and Department stating the reason for the stop.
 - 1.2.4 Officers will present Police Department identification when initiating contact with the public.
- 1.3 Biased policing is strictly prohibited! Included in this prohibition is any act of racial profiling. Motorists and pedestrians will only be subjected to stops, seizures, or detentions upon reasonable suspicion or reasonable cause as provided by Arkansas Criminal Procedure, Rules 3 and 4.
 - 1.3.1 Police personnel may use gender, race, ethnicity, or national origin to determine whether a person matches a description of a particular suspect or when such individual factors are previously identified characteristics of a person whom police personnel are lawfully attempting to locate.
 - 1.3.2 Officers who have knowledge that a particular individual is a member of a criminal organization may legitimately use this information in the totality of circumstances that may indicate continued criminal activity.

- 1.4 No motorist, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of further criminal activity; and no person or vehicle will be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.
- 1.4.1 In situations where a search is conducted, consent searches should only be conducted with written consent, using the proper Department form. If a person will consent to a search but refuses to sign the consent form, fill out the form anyway and indicate "verbally consented to the search, but refused to sign."
- 1.4.2 Officers will attempt to have a witness sign the consent form as verification to the verbal consent. Officers will initial above the signature of the witness on the consent form.
- 1.5 If the police vehicle is equipped with a video camera, the video and audio will be activated prior to the traffic stop in order to record the behavior of the person(s) in the vehicle, and it will remain activated until the person(s) is released and allowed to continue on their journey.
- 1.5.1 Whenever a person alleges that an officer has engaged in practices prohibited by this policy, the officer will immediately notify the shift supervisor.
- 1.5.2 Mobile Video Recording (MVR) data will be handled in accordance with North Little Rock Police Department Policy Directive 25-08.
- 1.6 This policy does not preclude an officer from stopping a vehicle to offer assistance, i.e. to inform a driver of an item left on the roof of the vehicle, or of a substance leaking from the vehicle.
- 1.6.1 Motor vehicle stops of this nature should be reported as an "assist a motorist or citizen" call, rather than a traffic violation.
- 1.7 Engaging in a citizen assist or casual communication with a motorist or pedestrian should not be considered a police stop as the individual is free to leave at any time.
- 1.7.1 Formal requests for ID, etc. makes such contact a police action. Evidence observed or obtained during a casual contact can lead to it becoming a police action.

2 Complaint Investigation

- 2.1 This Department will accept complaints from any individual who believes he or she has been the subject of actions prohibited by this policy in accordance with North Little Rock Police Department Policy Directive 04-02.
- 2.1.1 No person will be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because of filing such a complaint.
- 2.1.2 Retaliation toward members who report acts of Biased Policing is strictly prohibited.
- 2.2 Any member who receives a complaint while on duty will immediately request that an on-duty supervisor respond to the location.
- 2.3 Supervisors receiving such complaints will address them in accordance with Policy Directive 04-02.
- 2.3.1 Supervisors should obtain a written report (if available) detailing the incident including the purpose of the pedestrian or traffic stop, investigative detention or arrest, and the MVR recording data containing the police/citizen encounter.
- 2.3.2 The complaint should be forwarded to the Division Commander by the end of the next business day.
- 2.3.3 The Division Commander will review the complaint file, make his recommendations, and forward the file to the Chief of Police within two (2) business days.
- 2.3.4 After review, the Police Chief will determine if further investigation is required.
- 2.4 If a biased-policing complaint is sustained against an officer, it will result in appropriate corrective action and/or disciplinary action up to and including termination.
- 2.5 The Professional Standards Unit will include in its annual report to the Chief of Police the number of biased-policing complaints filed and sustained.
- 2.5.1 The Professional Standards Unit will provide an annual analysis of the statistical information collected from citizen complaint forms specific to biased policing practices.
- 2.5.2 If patterns are identified, the Professional Standards Unit will be responsible for conducting an investigation to determine whether any members rely on race, ethnicity, or national origin as a basis for investigating other violations of criminal law

3 Supervisor Responsibility

- 3.1 The on-duty supervisor will immediately respond to an incident when advised that an individual is making a complaint alleging improper profiling.
- 3.2 Each responding supervisor will evaluate and provide a written report regarding the facts of the incident and forward it through the chain of command to the Professional Standards Unit.

- 3.3 Supervisors will review profiling complaints, periodically review a sampling of MVR recordings of stops, reports of traffic or pedestrian stops filed by officers, and randomly respond to back up officers during stops and will take appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers, squads or units.
- 3.3.1 Supervisors will insure that officers are recording their traffic and pedestrian stops by randomly reviewing selected sampling of videos.
- 3.3.2 An MVR recording of each officer will be reviewed by their supervisor at least once every ninety (90) days. The reviews will be documented on an MVR review form which will be submitted by the Area Commander to the Patrol Division Commander at the end of each quarter. [CALEA 41.3.8g]
- 3.4 Supervisors will promptly address questionable stops and/or police actions through counseling and/or training. Violations of this policy or the continuation of questionable actions will be reported in writing to the Division Commander.
- 3.5 Supervisors will ensure that officers follow the policies and procedures outlined in this order.
- 3.5.1 Supervisors will conduct annual roll call training to include the legal aspects of biased-policing practices.
- 3.5.2 Review the Department's policies and procedures concerning biased policing.
- 3.5.3 Review the appropriate methods for carrying out enforcement with unbiased policing training.

4 Training

- 4.1 Officers will receive initial racial profiling and bias-free policing training, and annual in-service training in proactive enforcement tactics, including training in officer safety, courtesy, ethics, cultural diversity, search and seizure, and interpersonal communications skills that emphasize bias-free policing techniques.
- 4.1.1 Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion (search and seizure) or any unlawful police action.
- 4.1.2 Training will comply with provisions of Arkansas Act 1207 of 2003.
- 4.1.3 The Training Unit is responsible for achieving this training requirement.



Mike Davis
Chief of Police